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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,193	12/06/2000	Sadao Nakamura	9281-3858	8730

757 7590 06/17/2003

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EXAMINER

NGUYEN, DUNG T

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/731,193

Applicant(s)
Namura et al.

Examiner
Dung Nguyen

Art Unit
2871



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 3, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2871

Response to Amendment

Applicant's amendment dated 03/03/2003 has been received and entered.

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection as follows:.

Information Disclosure Statement

1. The information disclosure statement filed 09/12/2001 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

2. Figures 5-6 stand objected as not being designated by a legend such as --Prior Art--, as stated in the office action dated 09/04/2002.

Applicants contend that a correction in the Preliminary Amendment dated 12/06/2000 has been submitted (amendment, page 2); however, there is no copy of correction in the file.

Therefore, Applicants are requested to re-submit such corrections.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Art Unit: 2871

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-2, 6-7 and newly added claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (APA), figure 7, in view of Fujioka et al., US Patent No. 6,552,762.

Regarding claims 1-2 and 6-7, APA disclose a liquid crystal display (LCD) device (figure 7), in which:

a color filter substrate (lower substrate) comprising:

a substrate (201);

a reflective layer (205);

a color filter layer (206).

an opposed substrate (upper substrate);

a liquid crystal layer (203);

a sealing material (204).

Regarding claims 11-13, APA does disclose a second substrate (202) having layers (209, 211) that are electrically isolated from layers of the color filter substrate (201), spherical spacers (212), the color filter (206) formed directly on the reflective layer (205)(see figure 7).

However, APA does not disclose the color filter forming inside the sealing material and outside the effective display area. Fujioka et al. do disclose a color filter substrate (102A)

Art Unit: 2871

comprising a color filter (106) being formed inside a sealing material (103) as well as outside an effective display area (see figures 9). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to employ the APA's device having a color filter outside a display area as well as inside a sealing material as shown by Fujioka et al. in order to improve appearance in the non-effective display (i.e, frame region)(col. 12, line 37).

5. Claims 3-5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (APA), figure 7, in view of Fujioka et al., US Patent No. 6,552,762, further in view of Miyazaki et al., US Patent No. 5,978,061.

Regarding the above claims, the modification to APA discloses the claimed invention as described above except for two or three different color layers which constitute the outside of display area color filter layer being vertically aligned. Miyazaki et al. disclose in a portion of the color filter layer outside the effective display area, two or three different color layers stacked on each other (32R, 33G, 33B). Therefore, it would have been obvious to one skilled in the art at the time of the invention was made to modify the APA's LCD device having the color filter which is extending to outside the effective display as shown by Miyazaki et al. in order to enhance the display quality as well as to decrease the number of forming steps (see paragraph bridging columns 11 and 12).

Art Unit: 2871

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Dung Nguyen whose telephone number is (703) 305-0423. The Examiner can normally be reached on Monday-Thursday

If attempts to reach the Examiner by telephone are unsuccessful, The Examiner's supervisor, Robert H. Kim can be reached on 703-305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7730 for regular communications and 703-308-7726 for After Final communications.


Application/Control Number: 09/731,193

Page 6

Art Unit: 2871

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0956.

DN
06/14/2003


ROBERT H. KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2000